GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

HM & FW Department – Common orders of the Divisional Bench of Hon'ble High Court orders dated:20-11-2018 in WP No.20691, 20700, 20701, 20702 and 21086 of 2012 read with the orders dated:18-11-2022 in SLP (C) No.24176/2019 of the Hon'ble Supreme Court of India – Certain Doctors who were initially appointed and paid on daily honorarium basis and subsequently appointed as regular Civil Assistant Surgeons – Treating the period of temporary service rendered by them from the date of their initial appointment as qualifying service and count the service for the purpose of pensionary benefits with all consequential benefits like automatic advancement scheme etc. - CC No.2598 of 2023 – Permission accorded to implement the orders passed in WP No.20691 of 2012, dated:20-11-2018 in order dated:16-03-2011 in OA No.9017 of 2008 - Orders – Issued

---

HEALTH MEDICAL AND FAMILY WELFARE (B1) DEPARTMENT

G.O.Rt.No.611 Dated: 02.08.2023
Read the following:-

1. Orders of Hon'ble APAT, Hyderabad in O.A. No.9017/2008 dt.16.03.2011 read with O.A No.1807 of 2012, dated 30.03.2012.
2. Common Order of Hon'ble High Court, A.P., in WP No.20691, 20700, 20701, 20702 and 21086 of 2012, dt.20.11.2018.
3. Orders of Hon'ble Apex Court in SLP (C) No.24176/2019 dt.18.11.2022
4. From the DPH&FW, A.P. Vijayawada, Lr.Rc.No.8711/E6.A (Honorarium)/ 2019, dt.25.04.2023.
5. Notice in C.C. No.2598 of 2023, dated 28.04.2023.

***

O R D E R:-

In the reference 1st read above, the Hon'ble APAT has allowed the plea of Certain Doctors who were initially appointed and paid on daily honorarium basis and subsequently appointed as regular Civil Assistant Surgeons to regularize their services w.e.f the date of their joining duty by taking into account for all purpose including seniority , Probation, pension and leave and accordingly directed the respondents to take the said period as qualifying service for calculating the pension of the applicants and also special grade sanction of 8/16 years scales under automatic advancement scheme and also for the purpose of pensionery benefits.

2. Whereas, Government have filed various Writ Petitions seeking to quash the orders dated 16.3.2011 passed in OA No.9017 of 2008, and dated 30.03.2012 passed in OA No. 1807 of 2012 by the APAT by issuing Writ of Certiorari. Thus, in the reference 2nd read above, the Hon'ble High Court of Judicature of Hyderabad for the State of Telangana and the State of Andhra Pradesh had dismissed all the W.Ps. saying that, "we see no reason to interfere with the impugned orders passed by the Tribunal allowing the OAs. filed by the respondents respectively. The WPs are devoid of merit and liable to be dismissed. Petitioners shall pay the arrears of pension and other benefits to the respondents within a period of eight weeks from the date of receipt of a copy of this order".

3. Whereas, on preferring of Appeal in SLP (c) No.24176 of 2019, the Hon'ble Supreme Court of India in the reference 3rd read above, had disposed of the same, saying that , "in the facts and circumstances of the case more particularly, taking note of the fact that a similar petition bearing SLP (c) No. 16325 of 2016 has already been dismissed by this court on 11.07.2016, we see no reason to interfere with the impugned order (s). However, the question of Law, if any, kept open to be adjudicated in an appropriate circumstance."

4. Whereas, in the reference 4th read above, the DPH & FW , AP, Vijayawada has furnished necessary proposals for issue of necessary orders, since Government is competent to sanction any monetary benefits to the retired Government servants and doctors in the cadre of CAS/Dy. CS/CS and which requires concurrence of the Finance Department.

5. And whereas, Dr. KPS. Adinarayana who is the petitioner in OA No.9017 of 2008 as well as the respondent in WP No.20691 of 2012 along with 11 others has fled contempt case vide CC No:2598 of 2023 with a plea to punish the respondents for not implementing the orders passed in WP No.20691 of 2012, dated:20-11-2018 in order dated:16-03-2011 in OA No.9017 of 2008. As such, the Hon'ble High Court of AP issued notice on 28.04.2023 before its admission and list the matter on 13.06.2023.

6. Government have examined the matter carefully and observed that, in the Contempt Case No.2598/2023 consists of 12 petitioners, who complain of non implementation of the High Court's order dated:20-11-2018 in WP No.20691/2012. But as seen from the order dated:20-11-2018 in WP No.20691, the said writ petition had arrayed on only one person ie. Dr. Adinarayana, petitioner No.1 therein is the only respondent in WP No.20691/2012. The other petitioners in Contempt petition (CC No.2598/2023) were not party to WP No.20691/2012. Thus, it is appropriate to consider the case of Dr. Adinarayana only at this juncture.

7. Therefore, Government hereby direct the DPH&FW to take immediate necessary action to implement the orders of the Hon'ble High

Court in WP No.20691 of 2012, Dated:20.11.2018 in O.A No. 9017 of 2008, Dated:16.03.2011 in respect of Dr. Adinarayana by treating the period of temporary service rendered by him from the date of his initial appointment as qualifying service and count the service for the purpose of pensionary benefits with all consequential benefits like automatic advancement scheme etc., subject to the condition that this order shall not be quoted as a precedent in similar cases in future.

8. This order issues with the concurrence of Finance (HM&FW) Department vide their U.O.No. FIN01-FMU0MISC/614/2019-FMU-HMFW (C.No.1016414), dated:24.07.2023.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M T KRISHNA BABU
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director of Public Health &Family Welfare, Vijayawada.
Copy to:
The Commissioner, A.P.V.V.P., Tadepalli, Guntur District.
The DME., A.P., Vijayawada.
Sf/Sc

//FORWARDED :: BY ORDER //

V. Haripriya
SECTION OFFICER